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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,875	07/16/2001	Takamitsu Asanuma	110108	1757
25944	7590	12/18/2003	EXAMINER	
OLIFF & BERRIDGE, PLC			NGUYEN, TU MINH	
P.O. BOX 19928			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320			3748	25
DATE MAILED: 12/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/904,875	Applicant(s) Asanuma et al.
Examiner Tu M. Nguyen	Art Unit 3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Nov 25, 2003.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-6 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 2-4 is/are allowed.

6)  Claim(s) 1, 5, and 6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on Nov 25, 2003 is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

1. An Applicant's Request for Continued Examination (RCE) and an Applicant's Amendment filed on November 25, 2003 have been entered.

Claims 1, 5, and 6 have been amended. Overall, claims 1-6 are pending in this application.

### ***Drawings***

2. The formal drawings of Figures 7(A) and 7(B) filed on November 25, 2003 have been approved for entry.

### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al. (Japan Publication 6-117221) in view of Hirota et al. (Japan Publication 6-159037).

As shown in Figures 1 and 9 and indicated in the translated Abstract, Seto et al. disclose a device for purifying the exhaust gas of an internal combustion engine, comprising:

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- a NOx absorbent (20) arranged in the exhaust system, which carries an oxidation catalyst (a NOx absorbing agent) for absorbing and reducing NOx, the catalyst absorbing NOx when the air-fuel ratio in the surrounding atmosphere thereof is lean and releasing the absorbed NOx when the air-fuel ratio is stoichiometric or rich;
- a catalytic apparatus (17) for purifying NOx arranged in the exhaust system upstream of the NOx absorbent, the catalytic apparatus carries a catalyst (a NOx absorbing agent) for absorbing NOx when the air-fuel ratio in the surrounding atmosphere thereof is lean and releasing the absorbed NOx when the air-fuel ratio is stoichiometric or rich; and
- control means (50, 11) for making the air-fuel ratio in the catalytic apparatus rich to release NOx therefrom and purify the released NOx by reduction.

Seto et al., however, fail to disclose that the NOx absorbent also has a function as a particulate filter.

As shown in Figures 1 and 2, Hirota et al. teach that it is conventional in the art to use a particulate filter (10) which carries a NOx absorber (26) for absorbing and reducing NOx. As clearly illustrated in Figure 2, the particulate filter is a wall-flow device comprising a plurality of partition walls having pores, the partition walls carrying a NOx absorber (26) on the exhaust gas upstream side surface for absorbing and reducing NOx. A controller in Hirota et al. makes the air-fuel ratio in the particulate filter rich to release NOx and active-oxygen from the NOx absorber to purify the released NOx by reduction, and to oxidize the particulates trapped on the filter by the released active-oxygen. As indicated in the translated Abstract, the heating in the NOx

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releasing and reduction causes elevated temperature in the filter, which induces the trapped soot to ignite easily. It would have been obvious to one having ordinary skill in the art at the time of the invention was made, to have replaced the NOx absorbent in Seto et al. with the particulate filter taught by Hirota et al., since the use thereof would have reduced NOx emissions in the exhaust gas and saved fuel by inducing soot to combust at an earlier time.

***Allowable Subject Matter***

5. Claims 2-4 are allowed.

***Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of one patent (Araki et al. (Japan Publication 06-200741)) and one patent application (Deeba (U.S. Patent Application 2003/0115859)) further disclose a state of the art.

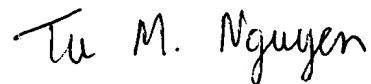
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*Communication*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (703) 308-2833.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (703) 308-2623. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



TMN

Tu M. Nguyen

December 12, 2003

Patent Examiner

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